

REMARKS

In the subject Office Action, claims 1, 5 and 11-15 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,718,738 to Huseman. Claims 1 and 3-5 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,978,231 to Ling. Claims 1 and 3-5 were also rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,286,681 to Wilfong. Claims 1, 6-10, 13 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,502,371 to DeMatteis et al. in view of U.S. Patent No. 3,857,139 to Turner.

In response, independent claim 1 has been amended to add that a single day of the week is printed on the bag. In addition, independent claim 13 has been amended to recite that each bag features a single day of the week marked thereon and is color coded to the day. Applicants respectfully submit that such bags are not disclosed by the cited references.

Huseman, Ling et al. and Wilfong each disclose vented bags, but none of the bags feature days of the week marked thereon. The marked bags recited by amended claims 1 and 13 permit workers to easily select and fill bags for freezing and later heating based upon the day by which the bag contents must be used. As a result, the indicia (day of the week) does not provide an obvious functional relationship and thus is not merely a design consideration.

DeMatteis and Turner both fail to disclose bags with a single day of the week marked on each as well. In addition, there is no mention made in either reference to construct the bag or wrapper of each with a material that can withstand both heating and freezing. DeMatteis also shows a bag that cannot be sealed. It is therefore unusable for food storage, freezing and heating. There is thus no motivation or teaching to provide it with the indicia of Turner.

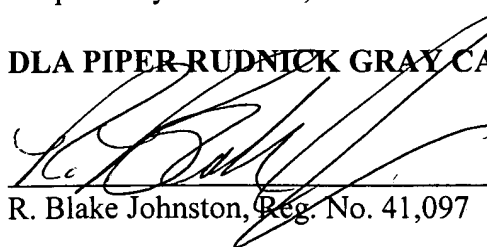
As a result, Applicant respectfully submits that amended independent claims 1 and 13, and the claims that are dependent thereon, are patentable over the cited references.

Claims 18-20 were rejected in the subject Office Action under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,637,939 to Huffer. Applicants respectfully traverse the Examiner in this regard. Independent claim 18 recites the steps of receiving a bulk food supply, dividing the bulk food supply into individual portions, filling the bags and then freezing them for later heating. Nowhere does Huffer mention the concept of dividing a bulk food supply into individual portions for later use, as would be performed by a restaurant. Furthermore, claim 18 has been amended to recite the step of providing proportioning bags with individual days of the week marked thereon and filling the bags based on the days marked on the bags. Huffer does not teach these steps. Indeed, there is no mention in Huffer at all of providing a day of the week on the bag illustrated therein, nor does Huffer offer a motivation to add such an indication to the bag. Applicant therefore respectfully submits that amended independent claim 18 is patentable over the cited references, as are dependent claims 19 and 20.

In view of the foregoing amendments and remarks, it is believed that the application is in condition for allowance and such action is respectfully requested. If a telephone call would advance the prosecution of the case, please contact the undersigned lawyer at the number below.

Respectfully submitted,

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